

January 24, 2001

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

CITY OF LAKE FOREST, ILLINOIS)

VS.)

NO. T00-0098

UNION PACIFIC RAILROAD COMPANY, and)
THE ILLINOIS DEPARTMENT OF TRANS-)
PORTATION.)

Petition for an Order of the Illinois Commerce)
Commission pertaining to the existing grade)
crossing of Westleigh Road with the tracks of the)
Union Pacific Railroad Company in the City of)
Lake Forest, Illinois, directing the installation of)
automatic protective pedestrian crossing gates, and)
dividing the costs among the parties, and directing)
that a portion of the cost of installing automatic)
protective pedestrian crossing gates be borne by)
the Grade Crossing Protection Fund)

Petition for an Order of the Illinois Commerce)
Commission pertaining to the existing grade)
crossing of Old Elm Road with the tracks of the)
Union Pacific Railroad Company in the City of)
Lake Forest, Illinois, directing the installation of)
automatic protective pedestrian crossing gates,)
and a grade crossing pad.)

Consolidated with
No. T00-0099

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ILLINOIS COMMERCE
COMMISSION
TRANSPORTATION DIV.

PETITIONER CITY OF LAKE FOREST'S BRIEF ON
EXCEPTIONS

Petitioner City of Lake Forest has reviewed the Hearing Examiner's Proposed Order, after receiving the same on January 16, 2001, and offers the following exception:

In the findings section of the Proposed Order, numbered paragraph 8, on page 4, reference is made to "construction by the City of Lake Forest of the grade crossing pad to connect to the existing pedestrian sidewalk..." Later in the ordering paragraphs, at the bottom of the same page, the 5th ordering paragraph, the Proposed Order requires the City

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of Lake Forest to proceed with the construction of an extension of the southern sidewalk on the west side of U. S. Highway 41...at the Old Elm location.

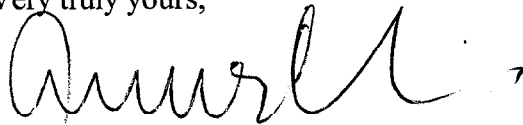
Since the City of Lake Forest does not own the grade crossing area, it cannot be responsible for construction of the grade crossing pad as stated in the findings paragraph. However, the City feels that it is possible that the Hearing Officer's intent was to refer in the findings paragraph to the 5th ordering paragraph, the requirement that the City would complete the sidewalk at Old Elm.

Therefore, Petitioner suggests that the following language be used to replace the proposed language of paragraph 8 in the findings on page 4:

- (8) the project, including the construction by the City of Lake Forest of the proposed pedestrian sidewalk should be completed within one year of the date of this Order."

The City of Lake Forest has no further exceptions to the proposed Order.

Very truly yours,



Anne Conzelman Linn
Attorney, City of Lake Forest

cc: Mr. James Slifer, Director
Division of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

Mr. Mack H. Schumate, Jr.
Union Pacific Railroad Company
101 N. Wacker Drive, Suite 1920
Chicago, IL 60606

Mr. Robert S. Berry
Railroad Safety Specialist
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701